

FILED

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JOHN J. FARMER, JR.  
ATTORNEY GENERAL OF NEW JERSEY  
Division of Law  
124 Halsey Street  
P.O. Box 45029  
Newark, New Jersey 07101

NEW JERSEY BOARD OF  
CHIROPRACTIC EXAMINERS

By: Carmen A. Rodriguez  
Deputy Attorney General  
(973) 693-5056

STATE OF NEW JERSEY  
DEPARTMENT OF LAW AND PUBLIC SAFETY  
DIVISION OF CONSUMER AFFAIRS  
BOARD OF CHIROPRACTIC EXAMINERS

IN THE MATTER OF THE SUSPENSION :  
OR REVOCATION OF THE LICENSE OF :

THOMAS FALLON :  
License No. MC3064 :

TO PRACTICE CHIROPRACTIC :  
IN THE STATE OF NEW JERSEY :

Administrative Action

MODIFIED  
CONSENT ORDER

This matter was opened to the New Jersey State Board of Chiropractic Examiners (hereinafter "the Board") upon receipt of information that the fees charged by Dr. Fallon for the treatment provided to Alison Walsh from September 26, 1997 through May 29, 1998 were excessive. Specifically, Alison Walsh alleged that the rehabilitative treatment provided was the same from week to week and that she received little, if no, feedback regarding the treatment progress. On April 8, 1999, respondent appeared with counsel, Richard M. Sasso, Esq., at an investigative inquiry held by the Board into the matter.

Having reviewed the entire record, including the testimony of respondent at the investigative inquiry, it appears to the Board that Alison Walsh's treatment revealed that respondent repeatedly billed for tests or rehabilitative services not performed. Alternatively, he inaccurately described tests

and services to be more complex and sophisticated than those actually provided. Moreover, by his records and his testimony, respondent revealed deficiencies in his fund of knowledge concerning rehabilitative techniques.

These facts establish basis for disciplinary action for gross incompetence and charging excessive fees pursuant to N.J.S.A. 45:1-21(c) and (d) and N.J.A.C. 13:44E-2.13. It appearing that respondent desires to resolve this matter without admissions and without recourse to formal proceedings, and for good cause shown:

IT IS ON THIS DAY OF *13<sup>th</sup> November* 2001

HEREBY ORDERED AND AGREED THAT:

1. Respondent shall 'successfully complete and pass a 100 hour course in rehabilitation. This courses shall be completed within six months of the entry of the within Consent Order. Respondent shall secure prior approval of the Board for the specific courses proposed to satisfy this requirement. Respondent shall be required to submit proofs that he successful completed and passing the required course work.
2. Respondent shall continue to perform rehabilitative services during the period that he is taking the courses in rehabilitation.
3. Respondent is hereby assessed civil penalties, pursuant to N.J.S.A. 45:1-22, in the amount of \$5000.00: \$2500 for conduct with respect to his lack of knowledge concerning the proper standards of evaluation of the rehabilitation needs of his patients which constitutes gross incompetence in his treatment of Allison Walsh and \$2500 for the excessive fees charged for the chiropractic services in the Walsh matter. Payment for the civil penalties totaling \$5000 , shall be submitted no later than thirty days from the entry of this Consent Order, by certified check or money order made payable to the State of New Jersey and shall be sent to Kevin B. Earle, Executive Director, Board of Chiropractic Examiners, 124 Halsey Street, Sixth Floor, Newark, New

Jersey, 07101. Subsequent violations will subject respondent to enhanced penalties pursuant to N.J.S.A. 45:1-25.

4. Respondent is hereby assessed the costs to the State of the investigation in this matter in the amount of \$209.00. Attached is the certification of Kevin Earle which explains the costs assessed. Payment for the costs shall be submitted by certified check or money order made payable to the State of New Jersey and submitted to the Board no later than twenty-one days from the entry of this Consent Order. Payment shall be sent to the State Board of Chiropractic Examiners at the address described in paragraph #3.

5. Failure to comply with any provisions of this Order or remit any and all payments required by this Order will result in the filing of a certificate of debt and may result in subsequent disciplinary proceedings for failure to comply with an Order of the Board.

NEW JERSEY STATE BOARD OF CHIROPRACTIC  
EXAMINERS

By: \_\_\_\_\_

William Winters  
Board President

I have read and understand the  
within Consent Order and agree  
to be bound by its terms. Consent  
is hereby given to the Board to  
enter this Order.

\_\_\_\_\_  
Thomas Fallon, D.C.